IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.6957 OF 2005

Suryakant Maruti Londhe ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr.Jimesh Shah i/b M/s. Law Global & Co. for applicant
Mr.S.S.Pednekar, APP for respondent

CORAM : S.C.DHARMADHIKARI,J.

DATE : 18TH NOVEMBER, 2005

P.C.:

1. The Applicant along with other are accused in C.R.No.18 of 2005 under Section 464, 465, 467, 468, 471, 426 r/w Sec.120(B) of Indian Penal Code. It is the case of the applicant that he is Manager of Punjab National Bank. The bail application preferred by him before the Sessions Court being Bail Application No.1780 of 2005 is rejected by the Sessions Judge,Mumbai solely on the ground that the applicant being a Manager and holding a responsible post should not have conducted himself in a manner which would adversely affects the economy. The offences are triable by the magistrate. However, the

learned Judge took the view, that the applicant may not remain present at the trial. There is also possibility of tampering with the evidence, according the court below.

2. The applicant is charged with the above offences along with two other accused viz. Nitin Ramkrushna Khushe and Prashant Ramkrushna Khushe. They filed bail applications being Bail Application Nos.1417 of 2005 and 1486 of 2005, which were considered with applicant's application and bail applications, were considered together by the Sessions Judge.

3. I have by my Order dated 14th November, 2005 in Criminal Application No.6833 of 2005, preferred by the other two accused, directed the Sessions Judge to hear the bail applications preferred by them afresh and uninfluenced by the fact that they had allegedly offered to deposit the substantial sum.

4. The applicant in this case is identically situate. In my view, merely because the applicant is a Bank Manager does not necessarily mean that his involvement has to be presumed. Ultimately the status

and position as a Manager and connection with a crime are two different aspects altogether. The position and status should not solely influence the consideration of application for bail.

5. In the light of the aforesaid, the application preferred by the present applicant is also restored to file. Criminal Application NO.1780 of 2005 shall also be decided afresh by the learned Sessions Judge uninfluenced by the observations in his earlier order. The said application be decided within the time stipulated by me in my order dated 14th November, 2005 in Criminal Application No.6833 of 2005.

6. This Application stands disposed of in the above terms.

(S.C.Dharmadhikari, J.)